

**QUINN EMANUEL URQUHART & SULLIVAN LLP**

Susheel Kirpalani (admitted *pro hac vice*)  
Deborah J. Newman (admitted *pro hac vice*)  
Robert S. Loigman (admitted *pro hac vice*)  
Benjamin I. Finestone (admitted *pro hac vice*)  
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**SIDLEY AUSTIN LLP**

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Juliana L. Hoffman  
2021 McKinney Avenue  
Suite 2000  
Dallas, Texas 75201  
Telephone: (214) 981-3300

*Co-Counsel for Marc S. Kirschner, as Litigation  
Trustee of the Highland Litigation Sub-Trust*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>  
  
Reorganized Debtor.

MARC S. KIRSCHNER, AS LITIGATION  
TRUSTEE OF THE LITIGATION SUB-TRUST,  
  
Plaintiff,

v.

JAMES D. DONDERO; MARK A. OKADA;  
SCOTT ELLINGTON; ISAAC LEVENTON;  
GRANT JAMES SCOTT III; STRAND  
ADVISORS, INC.; NEXPOINT ADVISORS,  
L.P.; HIGHLAND CAPITAL MANAGEMENT  
FUND ADVISORS, L.P.; DUGABOY  
INVESTMENT TRUST AND NANCY  
DONDERO, AS TRUSTEE OF DUGABOY  
INVESTMENT TRUST; GET GOOD TRUST  
AND GRANT JAMES SCOTT III, AS  
TRUSTEE OF GET GOOD TRUST; HUNTER  
MOUNTAIN INVESTMENT TRUST; MARK &  
PAMELA OKADA FAMILY TRUST –  
EXEMPT TRUST #1 AND LAWRENCE  
TONOMURA AS TRUSTEE OF MARK &  
PAMELA OKADA FAMILY TRUST –  
EXEMPT TRUST #1; MARK & PAMELA

Chapter 11

Case No. 19-34054-sgj11

Adv. Pro. No. 21-03076-sgj

DECLARATION OF  
PLAINTIFF'S ATTORNEY  
DEBORAH J. NEWMAN  
IN SUPPORT OF  
APPLICATION FOR  
ENTRY OF DEFAULT  
AGAINST DEFENDANTS  
MASSAND CAPITAL, LLC  
AND MASSAND  
CAPITAL, INC.  
PURSUANT TO RULE  
55(a) OF THE FEDERAL  
RULES OF CIVIL  
PROCEDURE

---

<sup>1</sup> The last four digits of the Reorganized Debtor's taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor's headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.

OKADA FAMILY TRUST – EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; AND SAS ASSET RECOVERY, LTD.,

Defendants.

**DECLARATION OF PLAINTIFF'S ATTORNEY DEBORAH J. NEWMAN**

I, Deborah J. Newman, declare as follows:

1. I am an attorney at law duly licensed to practice before all courts in the State of New York and am admitted *pro hac vice* to practice in the United States Bankruptcy Court for the Northern District of Texas.

2. I am the attorney of record for Plaintiff Marc S. Kirschner (the "Litigation Trustee"), as Litigation Trustee of the Litigation Sub-Trust (the "Trust") established pursuant to the Fifth Amended Plan of Reorganization (the "Plan") of Highland Capital Management L.P. ("HCMLP" or the "Reorganized Debtor") (Bankruptcy Docket No. 1472), in the above-captioned adversary proceeding and, as such, have knowledge of the matters contained herein. What follows is true and correct based on my own personal knowledge. If called and sworn as a witness, I could and would testify competently thereto.

3. Plaintiff filed his Complaint on October 15, 2021 (Docket No. 1). Summons was issued for the Defendants Massand Capital, LLC, and Massand Capital, Inc. (collectively, the "Massand Defendants") on October 18, 2021 (Docket No. 3), and service was executed pursuant to Rule 4 of the Federal Rules of Civil Procedure on November 2, 2021, as shown in the November 10, 2021 filing with this Court (Docket Nos. 14 and 15, attached hereto as Exhibits 1 and 2). The Massand Defendants failed to answer or otherwise defend against the first Complaint.

4. Plaintiff filed his Amended Complaint with this Court on May 19, 2022 (Docket No. 158). Service was again executed on the Massand Defendants pursuant to Rule 4 of the Federal Rules of Civil Procedure on May 20, 2022, as shown by the May 24, 2022 filing with this Court (Docket No. 160, attached hereto as Exhibit 3).

5. Under Federal Rule of Civil Procedure 12, the time to answer or otherwise respond to the Amended Complaint is 21 days. The parties extended this deadline to July 11, 2022, by stipulation (to which the Massand Defendants were signatories) and subsequent order by this Court, entered on June 29, 2022 (Docket No. 167, attached hereto as Exhibit 4). Accordingly, the Massand Defendants were required to answer or otherwise respond to the Amended Complaint by July 11, 2022.

6. The Massand Defendants have failed to serve or file a pleading or otherwise respond to the Amended Complaint. The applicable time limit for responding to the Amended Complaint has expired.

7. The Massand Defendants are not minors or incompetent persons.

8. The Massand Defendants are not currently in the military service, and therefore the Service-members Civil Relief Act is inapplicable.

9. The Massand Defendants are therefore in default, and Plaintiff requests that the Clerk of this Court grant Plaintiff's Application for the Entry of Default.

I declare under penalty of perjury under the laws of the State of Texas and the United States of America that the foregoing is true and correct.

Dated: August 10, 2022  
New York, New York

Respectfully submitted,

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

/s/ Deborah J. Newman

Susheel Kirpalani (admitted *pro hac vice*)

Deborah J. Newman (admitted *pro hac vice*)

Robert S. Loigman (admitted *pro hac vice*)

Benjamin I. Finestone (admitted *pro hac vice*)

Calli Ray (admitted *pro hac vice*)

Alexander J. Tschumi (admitted *pro hac vice*)

51 Madison Avenue

Floor 22

New York, NY 10010

Telephone: (212) 849-7000

-and-

SIDLEY AUSTIN LLP

Paige Holden Montgomery

Juliana L. Hoffman

2021 McKinney Avenue

Suite 2000

Dallas, Texas 75201

Telephone: (214) 981-3300

Facsimile: (214) 981-3400

*Counsel for the Litigation Trustee*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic mail via the Court's ECF system to parties authorized to receive electronic notice in this case on August 10, 2022.

/s/ Deborah J. Newman

Deborah J. Newman

**Exhibit 1**

BTXN 117a (rev. 10/02)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

In Re:  
Highland Capital Management, L.P.

Marc Kirschner

Debtor(s)

Plaintiff(s)

vs.

James D. Dondero et al, Mark Okada, Scott Ellington,  
Isaac Leventon, Grant James Scott III, Frank  
Waterhouse, STRAND ADVISORS, INC., NexPoint  
Advisors, L.P., Highland Capital Management Fund  
Advisors, L.P., DUGABOY INVESTMENT TRUST  
AND NANCY DONDERO, AS TRUSTEE OF  
DUGABOY INVESTMENT TRUST, GET GOOD  
TRUST AND GRANT JAMES SCOTT III, AS  
TRUSTEE OF GET GOOD TRUST, Hunter Mountain  
Investment Trust, MARK & PAMELA OKADA  
FAMILY TRUST EXEMPT TRUST #1 AND  
LAWRENCE TONOMURA AS TRUSTEE OF MARK  
& PAMELA OKADA FAMILY TRUST EXEMPT  
TRUST #1, MARK & PAMELA OKADA FAMILY  
TRUST EXEMPT TRUST #2 AND LAWRENCE  
TONOMURA IN HIS CAPACITY AS TRUSTEE OF  
MARK & PAMELA OKADA FAMILY TRUST  
EXEMPT #2, CLO HOLDCO, LTD; CHARITABLE  
DAF HOLDCO, LTD., Charitable DAF Fund, Lp,  
Highland Dallas Foundation, RAND PE FUND I, LP,  
SERIES 1, MASSAD CAPITAL, LLC, MASSAND  
CAPITAL, INC., SAS ASSET RECOVERY, LTD.,  
AND CPCM, LLC

Defendant(s)

Case No.: 19-34054-sgj11

Chapter No.: 11

Adversary No.: 21-03076-sgj

**SUMMONS IN AN ADVERSARY PROCEEDING**

To the above-named defendant:

You are hereby summoned and required to serve upon **Paige Holden Montgomery**, Plaintiff's attorney (or if Plaintiff is not represented by counsel, upon Plaintiff), whose address is **Sidley Austin LLP**

**2021 McKinney Avenue, Suite 2000**

**Dallas, TX 75201**, either a motion or an answer to the complaint which is now served upon you. If you elect to respond first by motion, as you may pursuant to Fed. R. Bankr. P. 7012, that governs the time within which your answer must be served. Otherwise, you are required to serve your answer upon Plaintiff's attorney (or upon Plaintiff if Plaintiff is not represented by counsel) within 30 days of the date of issuance of this summons by the clerk (or by the following date prescribed by the court: N/A) except that the United States or an office or agency thereof shall serve an answer to the complaint within 35 days after the date of issuance of the summons.

*{If this summons and complaint is served in a foreign country}* Service of your answer must be made by the following date prescribed by the court N/A.

The motion or answer served by you must be filed with this court before service or within a reasonable time after service. **IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS SUMMONS, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

DATED: 10/18/21

FOR THE COURT:  
Robert P. Colwell, Clerk of Court



193405421101800000000005



by: /s/Michael Edmond, Deputy Clerk



In Re: Kirschner v. Dondero et al  
Case No. 19-34054-sgj11-11  
Adv. No. 21-03076-sgj

## SUMMONS SERVICE EXECUTED

I, Chandler M. Rognes

of \*\* Sidley Austin LLP

certify:

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and all times during service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made;

That on the 2nd day of November, 2021 I served a copy of the within summons, together with the complaint filed in this proceeding, on

Massand Capital, LLC and Massand Capital, Inc., including the Court's Order Regarding Adversary Proceeding Trial Setting and Alternative Scheduling Order (Docket No. 4),

the defendant in this proceeding, by *{describe here the mode of service}*

e-mail sent to Jason Vanacour of Vanacour Perkins PLLC, legal counsel for

the said defendant at

jvanacour@vanacourperkins.com. By email dated November 1, 2021, Mr. Vanacour agreed to accept service of the complaint and summons on behalf of his clients, Massand Capital, Inc. and Massand Capital, LLC, which were previously served via first class mail postage prepaid on October 22, 2021 on Massand Capital, Inc. and Massand Capital, LLC at their respective registered agents' addresses.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 11/2/2021

(Date)

Chandler M. Rognes

(Signature)

\*\* 2021 McKinney Ave., Suite 2000, Dallas, TX 75201

State mailing address

**Exhibit 2**

BTXN 117a (rev. 10/02)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

In Re:  
Highland Capital Management, L.P.

Debtor(s)

Marc Kirschner

Plaintiff(s)

Case No.: 19-34054-sgj11

Chapter No.: 11

Adversary No.: 21-03076-sgj

vs.

James D. Dondero et al, Mark Okada, Scott Ellington,  
Isaac Leventon, Grant James Scott III, Frank  
Waterhouse, STRAND ADVISORS, INC., NexPoint  
Advisors, L.P., Highland Capital Management Fund  
Advisors, L.P., DUGABOY INVESTMENT TRUST  
AND NANCY DONDERO, AS TRUSTEE OF  
DUGABOY INVESTMENT TRUST, GET GOOD  
TRUST AND GRANT JAMES SCOTT III, AS  
TRUSTEE OF GET GOOD TRUST, Hunter Mountain  
Investment Trust, MARK & PAMELA OKADA  
FAMILY TRUST EXEMPT TRUST #1 AND  
LAWRENCE TONOMURA AS TRUSTEE OF MARK  
& PAMELA OKADA FAMILY TRUST EXEMPT  
TRUST #1, MARK & PAMELA OKADA FAMILY  
TRUST EXEMPT TRUST #2 AND LAWRENCE  
TONOMURA IN HIS CAPACITY AS TRUSTEE OF  
MARK & PAMELA OKADA FAMILY TRUST  
EXEMPT #2, CLO HOLDCO, LTD; CHARITABLE  
DAF HOLDCO, LTD., Charitable DAF Fund, Lp,  
Highland Dallas Foundation, RAND PE FUND I, LP,  
SERIES 1, MASSAD CAPITAL, LLC, MASSAND  
CAPITAL, INC., SAS ASSET RECOVERY, LTD.,  
AND CPCM, LLC

Defendant(s)

**SUMMONS IN AN ADVERSARY PROCEEDING**

To the above-named defendant:

You are hereby summoned and required to serve upon **Paige Holden Montgomery**, Plaintiff's attorney (or if Plaintiff is not represented by counsel, upon Plaintiff), whose address is **Sidley Austin LLP**

**2021 McKinney Avenue, Suite 2000**

**Dallas, TX 75201**, either a motion or an answer to the complaint which is now served upon you. If you elect to respond first by motion, as you may pursuant to Fed. R. Bankr. P. 7012, that governs the time within which your answer must be served. Otherwise, you are required to serve your answer upon Plaintiff's attorney (or upon Plaintiff if Plaintiff is not represented by counsel) within 30 days of the date of issuance of this summons by the clerk (or by the following date prescribed by the court: N/A) except that the United States or an office or agency thereof shall serve an answer to the complaint within 35 days after the date of issuance of the summons.

*{If this summons and complaint is served in a foreign country}* Service of your answer must be made by the following date prescribed by the court N/A.

The motion or answer served by you must be filed with this court before service or within a reasonable time after service. **IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS SUMMONS, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

DATED: 10/18/21

FOR THE COURT:  
Robert P. Colwell, Clerk of Court



193405421101800000000005

by: /s/Michael Edmond, Deputy Clerk



In Re: Kirschner v. Dondero et al  
Case No. 19-34054-sgj11-11  
Adv. No. 21-03076-sgj

## SUMMONS SERVICE EXECUTED

I, Chandler M. Rognes

of \*\* Sidley Austin LLP

certify:

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and all times during service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made;

That on the 2nd day of November, 2021 I served a copy of the within summons, together with the complaint filed in this proceeding, on

Massand Capital, LLC and Massand Capital, Inc., including the Court's Order Regarding Adversary Proceeding Trial Setting and Alternative Scheduling Order (Docket No. 4),

the defendant in this proceeding, by *{describe here the mode of service}*

e-mail sent to Jason Vanacour of Vanacour Perkins PLLC, legal counsel for

the said defendant at

jvanacour@vanacourperkins.com. By email dated November 1, 2021, Mr. Vanacour agreed to accept service of the complaint and summons on behalf of his clients, Massand Capital, Inc. and Massand Capital, LLC, which were previously served via first class mail postage prepaid on October 22, 2021 on Massand Capital, Inc. and Massand Capital, LLC at their respective registered agents' addresses.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 11/2/2021

(Date)

Chandler M. Rognes

(Signature)

\*\* 2021 McKinney Ave., Suite 2000, Dallas, TX 75201

State mailing address

**Exhibit 3**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.

Chapter 11

Case No. 19-34054 (SGJ)

MARC S. KIRSCHNER, AS LITIGATION TRUSTEE  
OF THE LITIGATION SUB-TRUST,

Plaintiff,

vs.

JAMES D. DONDERO; MARK A. OKADA; SCOTT  
ELLINGTON; ISAAC LEVENTON; GRANT JAMES  
SCOTT III; FRANK WATERHOUSE; STRAND  
ADVISORS, INC.; NEXPOINT ADVISORS, L.P.;  
HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.; DUGABOY INVESTMENT TRUST  
AND NANCY DONDERO, AS TRUSTEE OF  
DUGABOY INVESTMENT TRUST; GET GOOD  
TRUST AND GRANT JAMES SCOTT III, AS  
TRUSTEE OF GET GOOD TRUST; HUNTER  
MOUNTAIN INVESTMENT TRUST; MARK &  
PAMELA OKADA FAMILY TRUST – EXEMPT  
TRUST #1 AND LAWRENCE TONOMURA AS  
TRUSTEE OF MARK & PAMELA OKADA FAMILY  
TRUST – EXEMPT TRUST #1; MARK & PAMELA  
OKADA FAMILY TRUST – EXEMPT TRUST #2 AND  
LAWRENCE TONOMURA IN HIS CAPACITY AS  
TRUSTEE OF MARK & PAMELA OKADA FAMILY  
TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.;  
CHARITABLE DAF HOLDCO, LTD.; CHARITABLE  
DAF FUND, LP.; HIGHLAND DALLAS  
FOUNDATION; RAND PE FUND I, LP, SERIES 1;  
MASSAND CAPITAL, LLC; MASSAND CAPITAL,  
INC.; SAS ASSET RECOVERY, LTD.; AND CPCM,  
LLC,

Adv. Pro. No. 21-03076 (SGJ)

<sup>1</sup> The Reorganized Debtor's last four digits of its taxpayer identification number are (8357). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.



Defendants. )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I, Aljaira Duarte, depose and say that I am employed by Kurtzman Carson Consultants LLC (“KCC”), the claims and noticing agent for the Reorganized Debtor in the above-captioned case.

On May 20, 2022, at my direction and under my supervision, employees of KCC caused the following documents to be served via Electronic Mail upon the service list attached hereto as **Exhibit A**; and via First Class Mail upon the service list attached hereto as **Exhibit B**:

- **Amended Complaint and Objection to Claims** [Docket No. 158]
- **Adversary Proceeding Cover Sheet** [Docket No. 159]

Dated: May 24, 2022

/s/ Aljaira Duarte  
Aljaira Duarte  
KCC  
222 N Pacific Coast Highway, Suite 300  
El Segundo, CA 90245

## EXHIBIT A

**Exhibit A**  
Adversary Service List  
Served via Electronic Mail

Description	CreditorName	CreditorNoticeName	Email
Counsel for the Former Employee Defendants	Baker & McKenzie LLP	Debra A. Dandeneau, Blaire Cahn	debra.dandeneau@bakermckenzie.com; blaire.cahn@bakermckenzie.com
Counsel for the Former Employee Defendants	Baker & McKenzie LLP	Michelle Hartmann	michelle.hartmann@bakermckenzie.com
Counsel for Mark Okada, The Mark and Pamela Okada Family Trust – Exempt Trust #1, and The Mark and Pamela Okada Family Trust – Exempt Trust #2	Brown Fox PLLC	Cortney C. Thomas	CORT@BROWNFOXLA.COM
Counsel for Highland Capital Management Fund Advisors, L.P., James D. Dondero, NexPoint Advisors, L.P., Strand Advisors, Inc., The Dugaboy Investment Trust and The Get Good Trust	DLA PIPER LLP	Amy L. Ruhland, Jason M Hopkins	amy.ruhland@dlapiper.com; jason.hopkins@dlapiper.com
Financial Advisor to Official Committee of Unsecured Creditors	FTI Consulting	Earnestiena Cheng, Daniel H O'Brien	Earnestiena.Cheng@fticonsulting.com; Daniel.H.O'Brien@fticonsulting.com
Counsel for the Debtor	Hayward & Associates PLLC	Melissa S. Hayward, Zachery Z. Annable	MHayward@HaywardFirm.com; ZAnnable@HaywardFirm.com
Counsel for the Dugaboy Investment Trust and Get Good Trust	Heller, Draper & Horn, L.L.C.	Douglas S. Draper, Leslie A. Collins, Greta M. Brouphy	ddraper@hellerdraper.com; lcollins@hellerdraper.com; gbrouphy@hellerdraper.com
Counsel for CLO Holdco, Ltd. and Grant Scott	Kane Russell Coleman Logan PC	Joseph M. Coleman, John J. Kane, Brian W. Clark	jcoleman@krcl.com; jkane@krcl.com; bclark@krcl.com
Counsel for CLO Holdco, Ltd. and Highland Dallas Foundation, Inc.	Kelly Hart & Hallman	Hugh G. Connor II, Michael D. Anderson, Katherine T. Hopkins	hugh.connor@kellyhart.com; michael.anderson@kellyhart.com; katherine.hopkins@kellyhart.com
Counsel for CLO Holdco, Ltd. and Highland Dallas Foundation, Inc.	Kelly Hart & Pitre	Amelia L. Hurt	amelia.hurt@kellyhart.com
Counsel for CLO Holdco, Ltd. and Highland Dallas Foundation, Inc.	Kelly Hart & Pitre	Louis M. Phillips	louis.phillips@kellyhart.com
Counsel for Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P., Highland Income Fund, NexPoint Strategic Opportunities Fund and NexPoint Capital Inc.	Munsch Hardt Kopf & Harr, P.C.	Davor Rukavina, Esq., Julian P. Vasek, Esq.	drukavina@munsch.com; jvasek@munsch.com
Counsel for the Marc. S. Kirschner, as Litigation Trustee of the Highland Litigation Sub-Trust	Quinn Emanuel Urquhart & Sullivan LLP	Susheel Kirpalani, Deborah J. Newman, Robert Loigman, Benjamin I. Finestone, Jordan Harap, Alexandre J. Tschumi, Leah McCallister Ray	susheelkirpalani@quinnemanuel.com; deborahnewman@quinnemanuel.com; robertloigman@quinnemanuel.com; benjaminfinestone@quinnemanuel.com; jordanharap@quinnemanuel.com; alexandretschumi@quinnemanuel.com; calliray@quinnemanuel.com
Counsel for Hunter Mountain Trust	Rochelle McCullough, LLP	E. P. Keiffer	pkeiffer@romclaw.com
Counsel for Scott Ellington, Isaac Leventon, Frank Waterhouse, and CPCM, LLC	Ross & Smith, PC,	Judith W. Ross, Frances A. Smith, Eric Soderlund	judith.ross@judithwross.com; frances.smith@judithwross.com; eric.soderlund@judithwross.com
Counsel for Official Committee of Unsecured Creditors	Sidley Austin LLP	Matthew Clemente, Alyssa Russell, Elliot A. Bromagen, Dennis M. Twomey	mclemente@sidley.com; alyssa.russell@sidley.com; ebromagen@sidley.com; dtwomey@sidley.com
Counsel for Official Committee of Unsecured Creditors, Marc. S. Kirschner, as Litigation Trustee of the Highland Litigation Sub-Trust	Sidley Austin LLP	Penny P. Reid, Paige Holden Montgomery, Juliana Hoffman, Chandler M. Rognes	preid@sidley.com; pmontgomery@sidley.com; jhoffman@sidley.com; crognes@sidley.com

Exhibit A

Adversary Service List  
Served via Electronic Mail

Description	CreditorName	CreditorNoticeName	Email
Counsel for James Dondero, Nancy Dondero, Highland Capital Management Services, Inc. and HCRE Partners, LLC (n/k/a NexPoint Real Estate Partners, LLC)	Stinson LLP	Deborah Deitsch-Perez, Michael P. Aigen	deborah.deitschperez@stinson.com; michael.aigen@stinson.com
Counsel for Mark Okada, The Mark and Pamela Okada Family Trust – Exempt Trust #1, and The Mark and Pamela Okada Family Trust – Exempt Trust #2	Sullivan & Cromwell LLP	Brian D. Glueckstein	gluecksteinb@sullcrom.com
Counsel for Massand Capital, Inc. and Massand Capital, LLC	Vanacour Perkins PLLC	Jason Vanacour, Kevin Perkins	jvanacour@vanacourperkins.com; kperkins@vanacourperkins.com

## EXHIBIT B

Adversary Service List  
Served via First Class Mail

Description	CreditorName	CreditorNoticeName	Address1	City	State	Zip
Counsel for Massand Capital, Inc. and Massand Capital, LLC	Vanacour Perkins PLLC	Jason Vanacour, Kevin Perkins	5851 Legacy Circle #600	Plano	TX	75024

**Exhibit 4**



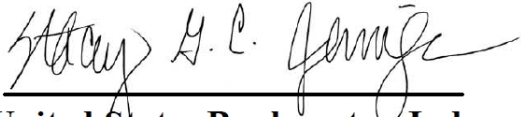
CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed June 28, 2022

  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.

MARC S. KIRSCHNER, AS LITIGATION TRUSTEE  
OF THE LITIGATION SUB-TRUST,

Plaintiff,

v.

JAMES D. DONDERO; MARK A. OKADA; SCOTT  
ELLINGTON; ISAAC LEVENTON; GRANT JAMES  
SCOTT III; STRAND ADVISORS, INC.; NEXPOINT  
ADVISORS, L.P.; HIGHLAND CAPITAL  
MANAGEMENT FUND ADVISORS, L.P.;  
DUGABOY INVESTMENT TRUST AND NANCY  
DONDERO, AS TRUSTEE OF DUGABOY

Chapter 11

Case No. 19-34054-sgj11

Adv. Pro. No. 21-03076-sgj

STIPULATION AND PROPOSED  
ORDER

<sup>1</sup> The last four digits of the Reorganized Debtor's taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor's headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.



INVESTMENT TRUST; GET GOOD TRUST AND GRANT JAMES SCOTT III, AS TRUSTEE OF GET GOOD TRUST; HUNTER MOUNTAIN INVESTMENT TRUST; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; AND SAS ASSET RECOVERY, LTD.,

Defendants.

### **STIPULATION AND PROPOSED SECOND AMENDED SCHEDULING ORDER**

Plaintiff Marc S. Kirschner, as Litigation Trustee of the Litigation Sub-Trust (the “Litigation Trustee”), and the Defendants (together with the Litigation Trustee, the “Parties”), stipulate and agree that following the Litigation Trustee’s filing of his *Amended Complaint and Objection to Claims*, dated May 19, 2022 [Docket No. 158] (the “Amended Complaint”), certain modifications to the Court’s *Amended Scheduling Order* [Docket No. 81] (the “Scheduling Order”) are necessary and appropriate. The Parties hereby respectfully submit this *Second Amended Scheduling Order* (the “Revised Scheduling Order”) that, upon entry by the Court, supersedes and replaces the deadlines set forth in the Scheduling Order. Accordingly, the parties ask it be **HEREBY ORDERED THAT:**

1. The Parties shall adhere to the following deadlines, which govern this Adversary Proceeding:

<b>Event</b>	<b>Deadline</b>
Deadline for each Defendant to answer or otherwise move against the Amended Complaint	July 11, 2022
Deadline for the Litigation Trustee to file an opposition to any motion filed by the Defendant(s) in response to the Amended Complaint	September 19, 2022
Deadline for each Defendant to file a reply to the Litigation Trustee's filing in opposition to any motion filed by Defendant(s) in response to the Amended Complaint	November 14, 2022
Substantial completion of fact document discovery	December 5, 2022
Start of fact depositions	Earlier of January 3, 2023 or decision on the last outstanding motion to dismiss
Completion of fact depositions	April 4, 2023
Deadline to exchange names and addresses of experts and expert witness reports	May 9, 2023
Deadline to exchange names and addresses of rebuttal experts and rebuttal expert witness reports	July 6, 2023
Expert discovery closes	August 10, 2023
Dispositive motion deadline	September 8, 2023
Deadline to file a response to dispositive motions	November 3, 2023
Deadline to file a reply in support of dispositive motions	December 1, 2023
Last date for hearings on dispositive motions (subject to the Court's schedule)	December 22, 2023
Deadline to exchange expert and witness lists	December 29, 2023
Joint pretrial order deadline	February 2, 2024
Written proposed findings of fact and conclusions of law deadline	February 2, 2024
Docket call	February 12, 2024 at 1:30 pm CT

2. This Revised Scheduling Order shall only be modified in a writing signed by the Parties or upon entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Revised Scheduling Order.

###End of Order###

**AGREED AS TO FORM AND SUBSTANCE:**

Dated: June 20, 2022

Respectfully submitted,

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